

Document No. 3069
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: S.C. Code Section 48-1-10 *et seq.*

S.C. Regulation 61-62, Air Pollution Control Regulations and Standards, and the State Implementation Plan (SIP)

Preamble:

Pursuant to S.C. Code Section 48-1-10 *et seq.*, the South Carolina Department of Health and Environmental Control (Department) proposes to amend *S.C. Regulation 61-62, Air Pollution Control Regulations and Standards*, and the State Implementation Plan (SIP), to incorporate revisions in the Federally approved State minor source permitting program that would support the Department's goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner.

Among the revisions being proposed are amendments to *S.C. Regulation 61-62.1, Definitions and General Requirements*, Section II - Permit Requirements, to clarify and streamline the Federally approved permitting program, which requires stationary sources planning to construct, alter or add to a source of air pollutants to first obtain a construction permit from the Department and to request an operating permit prior to placing the new or altered source into operation. The Department is also proposing to amend *S.C. Regulation 61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NO_x)*, to make corrections and clarifications as needed to ensure consistency with the proposed amendments to Regulation 61-62.1. In addition, the Department is proposing to amend *S.C. Regulation 61-62.5, Standard No. 4, Emissions From Process Industries*, to remove the requirements of Section IV - Portland Cement Manufacturing.

The proposed amendments to *S.C. Regulation 61-62, Air Pollution Control Regulations and Standards*, will require legislative review.

A Notice of Drafting for proposed amendments to Regulation 61-62, and the SIP, was published on April 22, 2005, in Volume 29, Issue No. 4, of the *South Carolina State Register*. A second Notice of Drafting, was published on November 25, 2005, in Volume 29, Issue No. 11, of the *South Carolina State Register*. A third Notice of Drafting, to extend the drafting period for these proposed amendments to Regulation 61-62, and the SIP, was published on March 24, 2006, in Volume 30, Issue No. 3, of the *South Carolina State Register*.

Discussion of Proposed Revisions

Regulation 61-62.1, Definitions and General Requirements

SECTION CITATION:

EXPLANATION OF CHANGE:

R. 61-62.1, Section II - Permit Requirements

Reorganized the entire Section II for clarification and to streamline the processes involved in applying for a construction permit and in requesting an operating permit.

R. 61-62.1, Section II (A)(1)(d)

A list of allowable preconstruction on-site activities that may be undertaken prior to obtaining a

	construction permit has been incorporated in the regulation.
R. 61-62.1, Section II (A)(3)	The timeframes for submitting written notifications for commencement of construction and for initial start-up of each new or altered source are being incorporated in the regulation to ensure consistency with other applicable requirements.
R. 61-62.1, Section II (A)(5)	Added an 18-month construction permit expiration period in the regulation to be incorporated as a “Standard Permit Condition.”
R. 61-62.1, Section II (B) - Exemptions	Section II (F) redesignated as Section II (B) - Exemptions. Allowances for construction permit exemptions have been expanded by including more small sources and by applying the “less than 1 pound per hour” emission thresholds to other criteria pollutants (i.e., sulfur dioxide, nitrogen oxides, and carbon monoxide).
R. 61-62.1, Section II (B)(3)	Establishes a list of sources that are exempt without further review from the requirement to obtain a construction permit.
R. 61-62.1, Section II (B)(5)	Incorporated procedures for requesting exemptions for new sources similar to sources already on the Department maintained list.
R. 61-62.1, Section II (C)(3)	Clarified the information that needs to be provided in a construction permit application to help ensure submittal of complete applications and to decrease delays in permit activity associated with requests for more information.
R. 61-62.1, Section II (D)	New provisions added for the development of general construction permits which will facilitate the permitting process for similar sources certifying qualification for and agreeing to the conditions and terms of the general construction permit.
R. 61-62.1, Section II (E)	Amended the section pertaining to “synthetic minor permits” to clarify that this section addresses only construction permits, and not operating permits, for sources requesting federally enforceable limits for any purpose.
R. 61-62.1, Section II (E)(3)	Synthetic minor construction permit conditions have been added for clarification.
R. 61-62.1, Section II (E)(5)	Synthetic minor construction permit application

	requirements have been added.
R. 61-62.1, Section II (F)	Reorganized and clarified the sections pertaining to minor source operating permits.
R. 61-62.1, Section II (F)(2)	Added new provisions requiring certification of construction when requesting an operating permit.
R. 61-62.1, Section II (G)	Revised the "conditional major" section to address federally enforceable operating permits. Anyone with federally enforceable construction permits must have a conditional major (or a Title V) operating permit. The Department will issue a conditional major operating permit to those sources that received a synthetic minor construction permit. Existing sources may also apply for a conditional major operating permit to implement federally enforceable limits.
R. 61-62.1, Section II (H)	Added a new Section II (H) for clarification of operating permit renewal request requirements.
R. 61-62.1, Section II (I)	Added new Section II (I) to develop and implement registration permits for various types of true minor sources applicable to the construction or operation of that specific category of stationary sources, thus eliminating the requirement for submittal of typical construction permit applications.
R. 61-62.1, Section II (J)	"Standard Permit Conditions" and "Special Permit Conditions" have been consolidated.
R. 61-62.1, Section II (K)	"Exceptions" have been moved and amended to create a stand alone section applicable to any permit.
R. 61-62.1, Section II (L)	"Emergency Provisions" have been moved and amended to create a stand alone section applicable to any permit.
R. 61-62.1, Section II (M)	Minor changes were made to the "Transfer of Ownership/Operation" language.
R. 61-62.1, Section II (N)	Moved the "Public Participation Procedures" (except "PSD" requirements) to a separate Section II (N) and included Department prerogative to require notice even where not required by regulation and to allow alternative methods or procedures for posting public notices.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4 - Emissions From Process Industries

SECTION CITATION:

EXPLANATION OF CHANGE:

Standard No. 4, Section IV

Deleted the requirements of and reserved Section IV because all existing Portland Cement Manufacturing sources subject to Section IV are currently subject to, and will continue to be subject to, more stringent Federal rules.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 5.2 - Control of Oxides of Nitrogen (NO_x)

SECTION CITATION:

EXPLANATION OF CHANGE:

Standard No. 5.2, Section I (a)(1)

Clarified applicability to sources constructed after June 25, 2004, the date this regulation was published as final in the *South Carolina State Register*.

Standard No. 5.2, Section I (b)(2)

Proposed amendments to ensure that exemptions are consistent with proposed amendments to Regulation 61-62.1, Section II - Permit Requirements.

Standard No. 5.2, Section I (b)(4)

Included exception for waste heat recovery from combustion control devices for exclusion from exemption.

Standard No. 5.2, Section III, Table 1

"Fuel Combustion Sources not Otherwise Specified"
- Clarified the example source type concerning process heaters.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invite interested members of the public to attend a staff-conducted informational forum to be held on August 28, 2006, at 10:00 a.m. in room 3380 at the Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is to receive comments from interested persons on the proposed amendments to *S.C. Regulation 61-62, Air Pollution Control Regulations and Standards*, and the SIP.

Interested persons are also provided an opportunity to submit written comments to Dennis Camit at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on August 28, 2006. Comments received shall be submitted to the Board in a Summary of Public Comments and Department Responses.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Dennis Camit at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 898-4284.

Notice of Public Hearing and Opportunity for Public Comment Pursuant to S.C. Code Sections 1-23-110 and 1-23-111:

Interested members of the public and regulated community are invited to comment on the proposed amendments to *S.C. Regulation 61-62, Air Pollution Control Regulations and Standards*, and the SIP, at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on October 12, 2006. The public hearing is to be held in room 3420 (Board Room) of the Commissioner's Suite, third floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department 24 hours in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit comments on the proposed amendments to Dennis Camit at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, Regulatory Development Section, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 898-4284. To be considered, comments must be received no later than 5:00 p.m. on August 28, 2006. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on October 12, 2006, as noticed above. Comments received shall be submitted to the Board in a Summary of Public comments and Department Responses.

Preliminary Fiscal Impact Statement:

The proposed regulations will not result in any increased costs to the State or its political subdivisions. Existing staff and resources will be utilized to implement these amendments. The proposed amendments to *S.C. Regulation 61-62, Air Pollution Control Regulations and Standards*, will benefit the Department by conserving resources associated with the review of construction permit applications and operating permit requests, and by facilitating compliance inspections conducted by regional staff.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: Amendments to *S.C. Regulation 61-62, Air Pollution Control Regulations and Standards*.

Purpose of Regulation: These amendments will incorporate revisions in the Federally approved State minor source permitting program that would support the Department's goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. The Department's proposed amendments to *S.C. Regulation 61-62, Air Pollution Control Regulations and Standards*, and the SIP, will streamline the process for obtaining a construction permit and for requesting an operating permit. These amendments will clarify the permitting process, provide more permitting options, and reduce the overall burden on the State permitting program and the regulated community.

Legal Authority: The legal authority for *S.C. Regulation 61-62, Air Pollution Control Regulations and Standards*, is S.C. Code Section 48-1-10 *et seq.*

Plan for Implementation: The proposed amendments will take effect upon approval by the South Carolina Board of Health and Environmental Control, ratification by the General Assembly, and publication in the *South Carolina State Register*. Copies of the final regulation will be distributed to all stakeholders and the regulated community through electronic mail and by way of the postal service to a

mailing list of interested parties, and via the internet on the Department web site.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATIONS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Department has conducted an analysis of the State air permitting program to ensure that we are meeting our goals of promoting and protecting the public health and the environment and doing so in the most efficient and effective manner. The Department proposes to amend *S.C. Regulation 61-62, Air Pollution Control Regulations and Standards*, and the SIP, to implement amendments that would streamline the process for obtaining a construction permit and for requesting an operating permit. This Federally approved permitting program is generally referred to as the minor source permitting program to distinguish it from additional permitting requirements for major sources of air pollutants.

Among the revisions being proposed are amendments to *S.C. Regulation 61-62.1, Definitions and General Requirements*, to clarify the prerequisites and streamline the processes prescribed by Section II - Permit Requirements, which requires stationary sources planning to construct, alter or add to a source of air pollutants to first obtain a construction permit from the Department and to request an operating permit prior to placing the new or altered source into operation. The Department is also proposing to amend *S.C. Regulation 61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NOx)*, to make corrections and clarifications as needed to ensure consistency with the proposed amendments to Regulation 61-62.1, Section II - Permit Requirements. In addition, the Department is proposing to amend *S.C. Regulation 61-62.5, Standard No. 4, Emissions From Process Industries*, to remove the requirements of Section IV - Portland Cement Manufacturing.

The proposed amendments to *S.C. Regulation 61-62, Air Pollution Control Regulations and Standards*, will incorporate revisions to the Federally approved State minor source permitting program that would support the Department's goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner and will require legislative review.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions, nor will the proposed amendments result in any increased cost to the regulated community. The proposed amendments to *S.C. Regulation 61-62, Air Pollution Control Regulations and Standards*, will benefit the Department by conserving resources associated with the review of construction permit applications and operating permit requests, and by facilitating compliance inspections conducted by regional staff. The Department believes that the proposed amendments will benefit the regulated community by clarifying the requirements for obtaining a permit, by ensuring consistency in permit conditions for construction and operating permits issued to similar sources, and by increasing the permit options available to a source.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State or its political subdivisions. The proposed revisions will clarify the permitting process, provide more permitting options, and reduce the overall burden on the State permitting program and the regulated community.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments to *S.C. Regulation 61-62, Air Pollution Control Regulations and Standards*, and the SIP, will provide continued protection of the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

There would be no detrimental effect on the environment and public health if these amendments to the Federally approved State minor source permitting program are not adopted. The intent of these proposed amendments is to streamline the permitting process in support of the Department's goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner.

STATEMENT OF RATIONALE:

In December of 2002, the South Carolina Chamber of Commerce Environmental/Technical Committee (Chamber Technical Committee) submitted a White Paper for consideration by the Department to address streamlining of the air construction permitting process. The Chamber Technical Committee's proposal was intended to be developed into guidance which would be available for use by permit engineers and the regulated community in order to reduce the time and resources needed for minor new construction projects or modifications to existing sources. The intent of the Chamber Technical Committee's proposal, and resulting guidance document, was to ensure that all administrative and substantive requirements are satisfied and at the same time allow for operational flexibility for facilities subject to *S. C. Regulation 61-62, Air Pollution Control Regulations and Standards*.

The Department created an internal Streamlining Workgroup to study ways to provide permitting staff and the regulated community with terminology, tools, and workshops to make the environmental permitting process more efficient. The Department's Streamlining Workgroup targeted several problem areas believed to be significant obstacles to timely issuance of permits. Incomplete and inaccurate applications were determined to create a major backlog in the permitting process, thus hampering South Carolina industry's ability to respond to changing markets. The Department has proposed amendments to the regulations that are more prescriptive with reference to information required to be submitted with construction permit applications and has drafted new permit application forms to help ensure more complete and accurate submittals.

The Department organized a Permit Streamlining Stakeholders Workgroup consisting of Department staff and representatives from environmental groups and the regulated community to propose regulatory amendments to address problems identified in the Chamber Technical Committee's White Paper. After several stakeholder meetings, the proposed amendments to S. C. Regulation 61-62 were developed by consensus. The Department has agreed to expand the list of sources exempt from the requirement to obtain a construction permit and has drafted several guidance documents to facilitate the permitting process. The Department has also started to provide advanced technical workshops to the regulated community to prepare facilities for new or modified regulatory requirements, including training for future emissions inventory submittals, training for dry cleaners and other small businesses, and training for sources subject to new Maximum Achievable Control Technology (MACT) requirements. These activities and the proposed amendments will provide additional clarity and specificity to the existing regulations.

Text of Proposed Amendments to Regulation 61-62 for Public Comment:

R. 61-62.1, Definitions and General Requirements:

Section II - Permit Requirements, shall be amended as follows:

SECTION II - PERMIT REQUIREMENTS

A. Construction Permits

1. Applicability

a. This regulation will not supersede any State or Federal requirements nor special permit conditions, unless this regulation would impose a more restrictive emission limit.

b. Except as allowed under paragraphs (c) and (d) below, any person who plans to construct, alter or add to a source of air contaminants, including installation of any device for the control of air contaminant discharges, shall first obtain a construction permit from the Department prior to commencement of construction.

c. The Department may grant permission to proceed with minor alterations or additions without issuance of a construction permit when the Department determines that the alteration or addition will not increase the quantity and will not alter the character of the source's emissions.

d. The owners or operators of sources not requesting to use Federally enforceable construction permit conditions to limit potential to emit, sources not subject to regulations with more stringent start of construction limitations, or sources not otherwise exempt from permit requirements, may undertake the following on-site activities prior to obtaining a construction permit:

- i. Planning;
- ii. Engineering and design;
- iii. Geotechnical investigation;
- iv. Site land clearing and grading;
- v. Setting up temporary trailers to house construction staff and contractor personnel;
- vi. Ordering of equipment and materials;
- vii. Receipt and storing of equipment;
- viii. Pouring of the foundation up to and including the mounting pads and slab on grade;
- ix. Relocation of utilities; and,
- x. For existing sources, relocation/installation of piping, electrical service, and instrumentation.

In the event that the source does not qualify for issuance of a construction permit, the owners or operators accept the financial risk of commencing these activities.

2 No permit to construct or modify a source will be issued if emissions interfere with attainment or maintenance of any State or Federal standard.

3. The owner or operator shall submit written notification to the Department of the date construction is commenced, postmarked no later than 30 days after such date, and written notification of the actual date of initial startup of each new or altered source, postmarked within 15 days after such date.

4. The owner or operator shall comply with all terms, conditions, and limitations of any Department-issued construction permit for sources or activities at its facility.

5. Approval to construct shall become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time

period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

B. Exemptions From the Requirement to Obtain a Construction Permit

1. No construction permits shall be required for the sources listed in Section II (B)(1)(a) through (c) which burn virgin fuel and which were constructed prior to February 11, 1971 and which are not located at a facility that meets the definition of a major source as defined in S.C. Regulation 61-62.70.2(r); however, modifications at these facilities may trigger the requirement to obtain a construction permit.

- a. Natural gas boilers.
- b. Oil-fired boilers of 50×10^6 BTU/HR rated input capacity or smaller.
- c. Coal-fired boilers of 20×10^6 BTU/HR rated input capacity or smaller.

2. No construction permits shall be required for the listed in Section II (B)(2)(a) through (h), unless otherwise specified by S.C. Regulation 61-62.70 or any other State or Federal requirement:

a. Boilers and space heaters of less than 1.5×10^6 BTU/HR rated input capacity which burn only virgin liquid fuels or virgin solid fuels.

b. Boilers and space heaters of less than 10×10^6 BTU/HR rated input capacity which burn only virgin gas fuels.

c. Comfort air-conditioning or ventilation systems.

d. Motor vehicles.

e. Laboratory hoods.

f. Emergency power generators as described below:

i. Generators of less than or equal to 150 KW rated capacity.

ii. Generators of greater than 150 KW rated capacity designated for emergency use only and are operated a total of 500 hours per year or less for testing and maintenance and have a method to record the actual hours of use such as an hour meter.

g. Sources emitting only steam, air, nitrogen, oxygen, carbon dioxide, or any physical combination of these.

h. Sources with a total uncontrolled emission rate of less than 1 lb/hr each of particulates, sulfur dioxide, nitrogen oxides, and carbon monoxide; and a total uncontrolled emission rate of less than 1000 lbs/month of VOC will not require construction permits. However, these sources may be required to be included in any subsequent construction or operating permit review to ensure that there is no cause or contribution to an exceedance of any ambient air quality standard or limit. For toxic air pollutant exemptions, refer to S.C. Regulation 61-62.5, Standard No. 8.

3. The Department will place the exempt sources listed in Section II (B)(2)(a) through (g), and

other sources that have been determined to have total uncontrolled emissions less than the thresholds in Section II (B)(2)(h), on a list of sources to be exempted without further review. The list of sources that are exempt without further review from the requirement to obtain a construction permit will be maintained by the Department and periodically published in the *South Carolina State Register* for use by the public and the regulated community.

4. Sources whose only emissions are fugitive must submit source information, and the need for permit(s) will be made by the Department on a case-by-case basis. This determination will take into consideration, but will not be limited to the nature and amount of the pollutants, location, proximity to residences and commercial establishments, etc.

5. Requests for exemption from the requirement to obtain a construction permit, for new sources similar to sources already on the Department maintained list established in Section II (B)(3), or for modifications to existing equipment, including the reconstruction, relocation, and replacement of existing equipment, which may qualify for exemption as per Section II (B)(2)(h) and Section II (B)(4), shall include the following information:

- a. A complete description of the existing equipment and proposed modification;
- b. The pollutant(s) being emitted and any deviation from the parameters provided in earlier permit applications, permit exemptions, and issued permits;
- c. Any ambient air quality demonstrations needed for S.C. Regulation 61-62.5, Standards No. 2, No. 7, and No. 8; and,
- d. A regulatory review to demonstrate the project is not a CAA Title I modification, nor subject to S.C. Regulation 61-62.5, Standards No. 7 and 7.1.

6. The construction permitting exemptions in Section II (B) do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements.

C. Construction Permit Applications

1. Construction permit applications shall be reviewed and signed by a professional engineer registered to practice in the State of South Carolina (except professional engineers employed by the Federal government preparing applications for the Federal government or other professional engineers exempted from the State registration requirements.)

2. The following are exempt from the requirement that the construction permit applications be reviewed and signed by a registered professional engineer provided the proposed unit is identical to a prototype model which has been previously designed or otherwise certified by a professional engineer:

- a. Package-type incinerators of 750 pounds/hr rated capacity or smaller which burn types 0 and 1 wastes as defined by the Incinerator Institute of America;
- b. Package-type incinerators of 500 pounds/hr rated capacity or smaller which burn animal remains excluding those remains that are considered infectious waste; and,
- c. Package-type boilers of 100×10^6 BTU/hr input capacity or smaller which burn natural gas or virgin oil as fuel.

3. Construction permit applications shall provide the information described in Section II (C)(3)(a) through (p). This information should be submitted on Department forms, but project specific information may need to be provided in addition to that requested in applicable forms.

a. The company name and mailing address; the facility name and mailing address (if different from that of the company); and the name, mailing address, and telephone number of the owner or agent for the company;

b. The location of the facility including its street address and the name, mailing address, and telephone number of the facility's contact person;

c. The facility's Federal Identification Number;

d. A description and the U. S. Standard Industrial Classification (SIC) Code or North American Industry Classification System (NAICS) Code of the products or product lines to be produced by the proposed sources covered by this application;

e. The facility's planned operating schedules;

f. A description of the facility's proposed new or altered processes, including the physical and chemical properties and feed rate of the materials used and produced (in pounds per hour), from which the facility determined potential emissions;

g. A process flow diagram/production process layout of all new or altered sources showing the flow of materials and intermediate and final products. The process flow diagram/production process layout must identify all equipment, machines, and process steps or product lines within the production process, all product streams, all exhaust streams (emission points) including fugitive within the production process, all waste streams, and all control devices including inherent process control devices used within the production process;

h. A detailed description of each proposed or existing source that is being altered, including the size and type along with the make and model of the source and any associated air pollution control equipment;

i. A description, including physical and chemical properties and the Chemical Abstract Service (CAS) number (if applicable), of all emissions from each proposed source or existing source that is being altered. Mass emission data and emission calculations, including the potential uncontrolled and controlled mass emission rate of each criteria pollutant and other air contaminants such as volatile organic compounds (VOC), toxic air pollutants (TAP), and hazardous air pollutants (HAP), that will be emitted from each source covered by the application. Emission calculations must be based on proper documentation that supports the basis of the emission rates such as stack test data, AP-42 emission factors, material balance, and/or engineering estimates. All assumptions used in the emission calculations must be provided. Fugitive emissions (i.e. emissions from filling operations, pumps, valves, flanges, etc.) must be included in the emission calculations;

j. A description of all air pollution control devices or systems on the new or altered sources, whether inherent or add-on. The description shall include, but not be limited to, the manufacturer specifications and ratings, the engineering design and operating characteristics, the projected capture, and destruction, control, or removal efficiencies at expected contaminant loading levels, and the monitoring data collection and recordkeeping necessary to ensure proper operation of the air pollution control devices;

k. Source information and calculations to demonstrate compliance with "Good Engineering Practice Stack Height" rules.

l. A description of each stack or vent related to the proposed and/or existing source(s), including the minimum anticipated height above ground, maximum anticipated internal dimensions, discharge orientation, exhaust volume flow rate, exhaust gas temperature, and rain protection device, if any;

m. Scale drawings showing a plan view of the property lines, the location of the source, all stacks and other emission points related to the source;

n. An air dispersion modeling analysis or other information demonstrating that emissions from the facility, including those in the application, will not interfere with the attainment or maintenance of any ambient air quality standard;

o. A summary of facility-wide potential uncontrolled and controlled emissions with a regulatory applicability determination; and,

p. Other information as may be necessary for proper evaluation of the source as determined by the Department.

D. General Construction Permits

1. The Department may develop and issue general construction permits applicable to similar sources for new construction projects or minor modifications to existing sources. General construction permits developed shall incorporate all requirements applicable to the construction of similar sources and shall identify criteria by which sources may qualify for coverage under the general construction permit.

2. Sources may submit a construction permit application to the Department with a request for coverage under the conditions and terms of a general construction permit for similar sources. The Department shall grant the general construction permit to sources certifying qualification for and agreeing to the conditions and terms of the general construction permit for similar sources. The source shall be subject to enforcement action for operation without a valid permit if the source is later determined not to qualify for coverage under the general construction permit.

3. The Department may grant a source's request for authorization to operate under a general construction permit, but such a grant shall be a final permit action for purposes of judicial review.

4. The permit application for general construction permits may deviate from the requirements of Section II (C) provided that such application includes all information necessary to determine qualification for, and to assure compliance with, the general permit.

5. A source that qualifies for coverage under a Department issued general construction permit may submit a construction permit application to the Department and request an individual construction permit in lieu of coverage under a general construction permit.

E. Synthetic Minor Construction Permits

1. General Provisions

- a. Any stationary source may request to use Federally enforceable permit conditions to limit the source's potential to emit and become a synthetic minor source.
- b. Stationary sources requesting a synthetic minor construction permit shall submit a complete permit application package to the Department as prescribed by S.C. Regulation 61-62.1, Section II (E)(5).
- c. Stationary sources requesting a synthetic minor construction permit shall undergo the public participation procedures of S.C. Regulation 61-62.1, Section II (N).
- d. The Department shall act, within a reasonable time, on an application for a synthetic minor construction permit and shall notify the applicant in writing of its approval, conditional approval, or denial.
- e. In the event of a denial of a synthetic minor construction permit application, the Department shall notify the applicant in writing of the reasons for the denial. The Department shall not accept a subsequent synthetic minor construction permit application until the applicant has addressed the concerns specified by the Department which caused the denial. The source shall correct all deficiencies noted by the Department within 60 calendar days of receiving notice of the denial, or submit a complete major source construction permit application as prescribed by S.C. Regulation 61-62.1, Section II (C) if the source desires to proceed with the project.

2. New Sources and Modifications

- a. Stationary sources desiring to restrict its potential to emit shall submit a written request to the Department for a Federally enforceable construction permit conditioned to constrain the operation of the source, along with a completed construction permit application package as prescribed by S.C. Regulation 61-62.1, Section II (E)(5). The construction of the new or modified source shall not commence until the source has received an effective permit to construct.
- b. The owner or operator shall submit written notification to the Department of the date construction is commenced, postmarked no later than 30 days after such date, and written notification of the actual date of initial startup of each new or altered source, postmarked within 15 days after such date. A written request to obtain an operating permit shall be submitted to the Department no later than fifteen (15) days after the actual date of initial startup of each new or altered source in accordance with S.C. Regulation 61-62.1, Section II (F). A satisfactory compliance inspection by a Department representative may precede the issuance of an operating permit for any newly constructed or modified source.

3. Synthetic Minor Construction Permit Conditions

- a. Synthetic minor construction permits shall contain the standard permit conditions listed in Section II (J)(1) and any special permit conditions required to verify a source's compliance with the emissions limitations and operational requirements.
- b. The limitations and requirements listed as permit conditions shall be permanent, quantifiable, or otherwise enforceable as a practical matter.
- c. All synthetic minor construction permit conditions that constrain the operation of a source in an effort to limit potential to emit below major source threshold levels as defined in S.C. Regulation 61-62.70 shall be Federally enforceable. Unless otherwise agreed by the Department and EPA, the Department shall provide to EPA on a timely basis a copy of each proposed (or draft) and final permit

intended to be Federally enforceable.

4. General Synthetic Minor Construction Permits

a. The Department may, after notice and opportunity for public participation provided under S.C. Regulation 61-62.1, Section II (N), issue a general synthetic minor construction permit applicable to similar sources. Any general synthetic minor construction permit shall incorporate all requirements applicable to the construction of similar synthetic minor sources and shall identify criteria by which sources may qualify for the general permit. Sources may submit a permit application to the Department with a request for coverage under the conditions and terms of a general synthetic minor construction permit for similar sources. The Department shall grant the general synthetic minor construction permit to sources certifying qualification for and agreeing to the conditions and terms of the general synthetic minor construction permit for similar sources. The source shall be subject to enforcement action for operation without a valid permit if the source is later determined not to qualify for the conditions and terms of the general synthetic minor construction permit.

b. The Department may grant a source's request for authorization to operate under a general permit without further public notice, but such a grant shall be a final permit action for purposes of judicial review.

c. The Department shall provide timely notice to the public of any authorization given to a facility to operate under the terms of a general permit. Such notice may be made on a periodic, summarized basis covering all facilities receiving authorization since the last notice.

5. Requirements for Synthetic Minor Construction Permit Applications

a. In addition to the minimum information required by S.C. Regulation 61-62.1, Section II (C)(3), any facility applying for a synthetic minor construction permit must also provide the following:

i. Potential emission calculations and proposed Federally enforceable emission limitations for each emission unit at the facility verifying that the total emissions at the facility will be below the major source (or facility) thresholds;

ii. All proposed production and/or operational limitations that will constrain the operation of each emission unit that are to be identified as Federally enforceable; and,

iii. All proposed monitoring parameters, recordkeeping and reporting requirements the applicant will use to determine and verify compliance with the requested Federally enforceable limitations on a continuous basis. The applicant shall also provide the compliance status of these proposed parameters and requirements at the time of the application submittal.

b. The permit application for general synthetic minor construction permits may deviate from the requirements of Section II (E)(5)(a) provided that such application includes all information necessary to determine qualification for, and to assure compliance with, the general permit.

F. Operating Permits

1. The owner or operator shall submit written notification to the Department of the actual date of initial startup of each new or altered source, postmarked within 15 days after such date. Any source that is required to obtain an air quality construction permit issued by the Department must obtain an operating permit when the new or altered source is placed into operation and shall comply with the requirements of

this section.

2. The owner/operator or professional engineer in charge of the project shall certify that the construction under application has been completed in accordance with the specifications agreed upon in the construction permit issued by the Department. If construction is certified as completed in accordance with the specifications of the construction permit, the permittee may operate the source in compliance with the terms and conditions of the construction permit until the operating permit is issued by the Department. If construction is not built as specified in the permit application and associated construction permit(s), the owner/operator must submit to the Department a complete description of modifications that are at variance with the documentation of the construction permitting determination prior to commencing operation. Construction variances that would trigger additional requirements that have not been addressed prior to start of operation shall be considered construction without a permit.

3. Request for a New or Revised Operating Permit

a. For sources covered by an effective Title V operating permit, the modification request required by S.C. Regulation 61-62.70 shall serve as the request to operate for the purposes of this regulation.

b. For sources not subject to S.C. Regulation 61-62.70, or not yet covered by an effective Title V operating permit, the permittee shall submit a written request for a new or revised operating permit to cover any new, or altered source, postmarked no later than fifteen (15) days after the actual date of initial startup of each new or altered source.

c. The written request for a new or revised operating permit must include, as a minimum, the following information:

- i. A list of sources that were placed into operation.
- ii. The actual date of initial startup of each new or altered source.

G. Conditional Major Operating Permits

1. The requirements of Section II (G) shall apply to those sources that request a Federally enforceable permit to limit their potential to emit to less than major source thresholds.

2. General Provisions

a. Any stationary source that satisfies the definition of a major source may request a Federally enforceable conditional major operating permit to limit the source's potential to emit and become a conditional major source. Any stationary source that has received a synthetic minor construction permit to limit the source's potential to emit below major source threshold levels shall be issued a conditional major operating permit to consolidate the source's limitations on potential to emit, and shall be considered a conditional major source.

b. Stationary sources requesting a conditional major operating permit shall submit a complete request for a new or revised operating permit to the Department as required by S.C. Regulation 61-62.1, Section II (G)(5).

c. Stationary sources requesting an original or renewed conditional major operating permit shall undergo the public participation procedures of S.C. Regulation 61-62.1, Section II (N). Submission

of a request for renewal meeting the requirements in S.C. Regulation 61-62.1, Section II (H) shall allow the permittee to continue operating pursuant to the most recent conditional major operating permit, until such time as the Department has taken final action on the request for renewal.

d. The Department shall act on a request for a conditional major operating permit and shall notify the source in writing of its approval, conditional approval, or denial.

e. In the event of a denial of a conditional major operating permit request, the Department shall notify the source in writing of the reasons for the denial. The Department shall not accept a subsequent conditional major operating permit request until the source has addressed the concerns specified by the Department which caused the original denial. The source shall correct all deficiencies noted by the Department or submit a complete permit application in accordance with S.C. Regulation 61-62.70 in order to receive a Title V operating permit.

3. Existing Sources

a. Any owner or operator desiring to be permitted as a conditional major source shall submit an operating permit request containing the information identified in S.C. Regulation 61-62.1, Section II (G)(5). A Federally enforceable conditional major operating permit shall constrain the operations of the source such that potential emissions fall below applicable regulatory levels and therefore exclude the source from the requirements to have a Title V operating permit.

b. A request for a conditional major operating permit shall not relieve a source from the requirement to meet the deadline for submittal of a Title V operating permit application.

4. New sources

a. Any owner or operator who plans to construct, alter, or add to a source of air contaminants, including the installation of any device for the control of air contaminant discharges, and desires a conditional major operating permit shall provide a written request to the Department for a Federally enforceable synthetic minor construction permit conditioned to constrain the operation of the source, along with a complete construction permit application package containing the information identified in S.C. Regulation 61-62.1, Section II (G)(5). The construction of the new or modified source shall not commence until the source has received an effective permit to construct from the Department.

b. A written request to obtain a conditional major operating permit shall be submitted to the Department postmarked no later than fifteen (15) days after the actual date of initial startup of each new or altered source. This request shall include any additional information required in S.C. Regulation 61-62.1, Section II (G)(5). These facilities will be issued conditional major operating permits without further public notice if no substantive changes to limitations are required. A satisfactory compliance inspection by a Department representative may precede the issuance of an operating permit for any newly constructed or modified source.

5. Conditional Major Operating Permit Conditions

a. Conditional major operating permits shall contain the standard permit conditions listed in Section II (J)(1) and any special permit conditions required to verify a source's compliance with the emissions limitations and operational requirements.

b. The limitations and requirements listed as permit conditions shall be permanent, quantifiable, or otherwise enforceable as a practical matter.

c. All conditional major operating permit conditions that constrain the operation of a source in an effort to limit potential to emit below major source threshold levels as defined in S.C. Regulation 61-62.70 shall be Federally enforceable. Unless otherwise agreed by the Department and EPA, the Department shall provide to EPA on a timely basis a copy of each proposed (or draft) and final permit intended to be Federally enforceable.

6. Additional Requirements for Conditional Major Operating Permit Requests

a. In addition to the minimum information required by S.C. Regulation 61-62.1, Section II (C)(3), any facility requesting a conditional major operating permit must also provide the following:

i. Potential emission calculations and proposed Federally enforceable emission limitations for each emission unit at the facility verifying that the total emissions at the facility will be below the major source (or facility) thresholds.

ii. All proposed production and/or operational limitations that will constrain the operation of each emission unit that are to be identified as Federally enforceable.

iii. All proposed monitoring parameters, recordkeeping and reporting requirements the source will use to determine and verify compliance with the requested Federally enforceable limitations on a continuous basis. The source shall also provide the compliance status of these proposed parameters and requirements at the time of the request submittal.

b. The request for general conditional major operating permits may deviate from the requirements of Section II (G)(5) provided that such request includes all information necessary to determine qualification for, and to assure compliance with, the general permit.

7. General Conditional Major Operating Permits

a. The Department may, after notice and opportunity for public participation provided under S.C. Regulation 61-62.1, Section II (N), issue a general conditional major operating permit applicable to similar sources. Any general conditional major operating permit shall incorporate all requirements applicable to the operation of similar conditional major sources and shall identify criteria by which sources may qualify for the general permit. Sources may submit a permit application to the Department with a request for coverage under the conditions and terms of a general conditional major operating permit for similar sources. The Department shall grant the general conditional major operating permit to sources certifying qualification for and agreeing to the conditions and terms of the general conditional major operating permit for similar sources. The source shall be subject to enforcement action for operation without a valid permit if the source is later determined not to qualify for the conditions and terms of the general conditional major operating permit.

b. The Department may grant a source's request for authorization to operate under a general permit without further public notice, but such a grant shall be a final permit action for purposes of judicial review.

c. The Department shall provide timely notice to the public of any authorization given to a facility to operate under the terms of a general permit. Such notice may be made on a periodic, summarized basis covering all facilities receiving authorization since the last notice.

H. Operating Permit Renewal Requests

1. Any source that wishes to have its operating permit renewed must submit a written request to the Department.

2. The provisions of S.C. Regulation 61-62.1, Section II (H), shall apply only to those sources not subject to S.C. Regulation 61-62.70. For sources covered by an effective Title V operating permit, the operating permit renewal request required by S.C. Regulation 61-62.70 shall serve as the request to operate for the purposes of this regulation.

3. For sources not subject to S.C. Regulation 61-62.70, the permittee shall submit an operating permit renewal request to the Department no later than 90 days prior to the operating permit expiration date. The source may be inspected by the Department in order to decide whether to renew the permit. Past records of compliance and future probability of compliance will be considered in making the decision regarding renewal.

4. Operating permit renewal requests shall include a description of any changes at the facility that have occurred since issuance of the last operating permit that may effect the operating permit or operating permit review. In general, the description shall include any addition, alteration or removal of sources, including sources exempt from construction permit requirements; addition, alteration or removal of emission limitations; any changes to monitoring, recordkeeping, or reporting requirements; and any changes or additions to special permit conditions. The following items should be addressed as part of the operating permit renewal request:

a. The company name and mailing address; the facility name and mailing address (if different from that of the company); and the name, mailing address, and telephone number of the owner or agent for the company;

b. The location of the facility including its street address and the name, mailing address, and telephone number of the facility's contact person;

c. The facility's Federal Identification Number;

d. Any change to the U. S. Standard Industrial Classification (SIC) Code or North American Industry Classification System (NAICS) Codes of the products or product lines;

e. Any construction permits to be incorporated into the operating permit, either whole or in part, and any listed information descriptions that have been removed or decommissioned. Any changes to exempted sources listed in current operating permit;

f. Any change to the facility's planned operating schedules or description of the facility's current and/or proposed processes, including the physical and chemical properties and feed rate of the materials used and produced (in pounds per hour), from which the facility determined actual and potential emissions;

g. Any changes to current process flow diagram or production process layout shall be addressed, showing the flow of materials and intermediate and final products. Updated process flow diagram or production process layout must identify major equipment, machines, and process steps or product lines within the production process, all product streams, all exhaust streams (emission points) including fugitive within the production process, all waste streams, and all control devices including inherent process control devices used within the production process;

h. A description, including the Chemical Abstract Service (CAS) number (if applicable), of all emissions from each source. Mass emission data and emission calculations, including the potential uncontrolled and controlled mass emission rate of each criteria pollutant and other air contaminants such as volatile organic compounds (VOC), toxic air pollutants (TAP), and hazardous air pollutants (HAP), emitted from each source. Emission calculations must be based on proper documentation that supports the basis of the emission rates such as stack test data, AP-42 emission factors, material balance, and/or engineering estimates. All assumptions used in the emission calculations must be provided. Fugitive emissions (i.e. emissions from filling operations, pumps, valves, flanges, etc.) must be included in the emission calculations. A summary of facility-wide potential uncontrolled and controlled emissions with a regulatory applicability determination. If existing data supplied to the Bureau remains correct, identify documents referenced to comply with this requirement;

i. If no longer accurate, a revised air dispersion modeling analysis or other information demonstrating that emissions from the facility will not interfere with the attainment or maintenance of any ambient air quality standard. As needed, include a description of each stack or vent related to the proposed and/or existing source(s), minimum anticipated height(s) above ground, maximum anticipated internal dimensions, discharge orientation(s), exhaust volume flow rate(s), exhaust gas temperature(s), and rain protection devices, if any. If existing data supplied to the Bureau remains correct, identify document referenced to comply with this requirement; and,

j. Other information as may be necessary for proper evaluation of the operating permit request.

I. Registration Permits

1. Development of Registration Permits

a. The Department may, after notice and opportunity for public participation provided under S.C. Regulation 61-62.1, Section II (N), develop registration permits applicable to similar sources. Any registration permit developed shall specify compliance with all requirements applicable to the construction or operation of that specific category of stationary sources and shall identify criteria by which sources may qualify for the registration permit.

b. Registration permits will be developed only for specific stationary source groups with uncontrolled potential to emit less than the threshold for major source groups, in accordance with S.C. Regulation 61-62.70, Title V Operating Permit Program; S.C. Regulation 61-62.5, Standard No. 7; Prevention of Significant Deterioration; S.C. Regulation 61-62.5, and Standard No. 7.1, Nonattainment New Source Review, and where equipment similarities and simplicity remove the need for in depth site-specific review.

2. Application for Coverage Under a Registration Permit

a. A source that qualifies may elect to apply to the Department for coverage under a registration permit in lieu of a construction and operating permit as provided in Regulation 61-62.1, Section II (A) and (F). The Department shall grant the registration permit to sources certifying qualification for and agreeing to the conditions and terms of the registration permit applicable to similar sources. The source shall be subject to enforcement action for operation without a valid permit if the source is later determined not to qualify for the conditions and terms of the registration permit.

b. The Department may grant a source's request for authorization to operate under a registration permit without further public notice, but such a grant shall be a final permit action for

purposes of judicial review.

3. Registration Permit Conditions

- a. Registration Permits shall contain the standard permit conditions listed in Section II (J)(1).
- b. Registration Permits shall contain any applicable special permit conditions required to verify a source's compliance with any emissions limitations and operational requirements.

J. Permit Conditions

1. Standard Permit Conditions

All permits shall contain the following standard permit conditions.

- a. No applicable law, regulation or standard will be contravened.
- b. All official correspondence, plans, permit applications and written statements are an integral part of the permit.
- c. For sources not required to have continuous emission monitors, any malfunction of air pollution control equipment or system, process upset or other equipment failure which results in discharges of air contaminants lasting for one hour or more and which are greater than those discharges described for normal operation in the permit application shall be reported to the Department within twenty-four hours after the beginning of the occurrence and a written report shall be submitted to the Department within thirty (30) days. The written report shall include as a minimum, the following:
 - i. The identity of the stack and/or emission point where the excess emissions occurred;
 - ii. The magnitude of the excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the excess emissions;
 - iii. The time and duration of the excess emissions;
 - iv. The identity of the equipment causing the excess emissions;
 - v. The nature and cause of such excess emissions;
 - vi. The steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunction;
 - vii. The steps taken to limit the excess emissions; and,
 - viii. Documentation that the air pollution control equipment, process equipment, or processes were at all times maintained and operated, to the maximum extent practicable, in a manner consistent with good practice for minimizing emissions.
- d. Sources required to have continuous emission monitors shall submit reports as specified in applicable parts of the permit, law, regulations, or standards.
- e. Any owner or operator who constructs or operates a source or modification not in

accordance with the application submitted pursuant to this regulation or with the terms of any approval to construct, or who commences construction after the effective date of these regulations without applying for and receiving approval hereunder, shall be subject to enforcement action.

f. Approval to construct shall become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

2. Special Permit Conditions

As the Department finds appropriate, permits shall include special permit conditions such as, but not limited to, production limits, operational limits, source performance testing, operation and maintenance requirements, notification requirements, recordkeeping requirements, reporting requirements, and other monitoring as required.

a. When special permit conditions contain production or operational limits, the permit shall have monitoring and/or recordkeeping requirements to verify a source's compliance with the limitations.

b. When special permit conditions require an add-on air pollution control device to be operated at a specified destruction and removal efficiency level, the permit shall have monitoring and recordkeeping requirements to determine the add-on air pollution control device's performance on a short term basis.

c. The time period over which a permit limitation on production or operation extends will be as short as possible. For the purpose of determining compliance, permit limitations will in general not exceed one month and shall not exceed an annual limit with a rolling monthly average or sum.

d. An owner or operator of stationary sources that desire or are required to conduct performance tests to verify emissions limitations shall ensure that source tests are conducted in accordance with the provisions of S.C. Regulation 61-62.1, Section IV, Source Tests.

e. An hourly emission limit shall be sufficient only if the permit condition(s) require the installation, calibration, maintenance, and operation of a continuous emission monitor (CEM) system, or any other monitoring approved by the Department. All monitoring data shall be defined and recorded for showing compliance with the emission limit(s).

f. The limitations and requirements listed in the permit conditions shall be permanent, quantifiable, or otherwise enforceable as a practical matter.

K. Exceptions

1. Upon request, the Department may alter operating permits, compliance schedules, or other restrictions on operation of a source provided that resulting ambient air concentration levels will not exceed any national or State ambient air quality standard. Factors to be considered by the Department may include, but are not limited to, technology, economics, national energy policy, and existing air quality. The request by the source must also show the following:

a. Good faith efforts have been made to comply with the State requirements;

b. The source is unable to comply with the State requirements because the necessary technology or other alternative methods of control are not reasonably available, or have not been available for a sufficient period of time;

c. Any available operating procedures, or control measures, reducing the impact of the source on ambient air concentrations, have been implemented; and,

d. The request is submitted in a timely manner.

2. The provisions of this paragraph shall not apply to mass emission limits which are imposed upon any source by the following requirements:

a. Federal New Source Performance Standards;

b. National Emission Standards for Hazardous Air Pollutants;

c. Federal or State Prevention of Significant Deterioration Regulations; or,

d. Non-attainment requirements.

3. Where a permanent increase in the visible emission limitation for a source is requested, the source must demonstrate that it will remain in compliance with the applicable particulate emission standard.

4. Any alternative compliance schedule shall provide for compliance with the applicable regulations as expeditiously as practicable, based on a plan submitted with the request for the alternative compliance schedule.

5. Any request under this section will be subjected to public notice and opportunity for a public hearing. Upon approval by the Board, the recommendations of this Department shall be sent to the Administrator of the Environmental Protection Agency, or his designated representative, for approval or disapproval.

6. Where alternative compliance schedule provisions are contained elsewhere in the air pollution control regulations, those provisions shall supersede the requirements in this section.

L. Emergency Provisions

1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, in which a situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

2. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions in S.C. Regulation 61-62.1, Section II (L)(3) are met.

3. The affirmative defense of an emergency shall be demonstrated through properly signed,

contemporaneous operating logs, and other relevant evidence that verify:

- a. An emergency occurred, and the permittee can identify the cause(s) of the emergency;
- b. The permitted source was at the time the emergency occurred being properly operated;
- c. During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- d. The permittee gave a verbal notification of the emergency to the Department within 24 hours of the time when emission limitations were exceeded, followed by a written report within thirty (30) days. The written report shall include as a minimum, the information required by S.C. Regulation 61-62.1, Section II (J)(1)(c)(i) through (viii). The written report shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

4. In any enforcement action, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

5. This provision is in addition to any emergency, or upset provision contained in any applicable requirement.

M. Transfer of Ownership/Operation

Prior to the transfer of ownership/operation of a facility, the current permit holder and prospective new owner/operator shall submit to the Department a written request for transfer of the source operating or construction permits. Transfer of the operating or construction permits will be effective upon written approval by the Department.

N. Public Participation Procedures

1. When determined to be appropriate by the Department (or specified by regulation) notice of permitting activity shall be provided to the public and other entities for their review and comment. Public notice shall be given by publication in a newspaper of general circulation in the area where the source is located or in the *South Carolina State Register* and to persons on a mailing list developed by the Department, including those who request in writing to be on the list. The Department may use other means of public notice in addition to the above.

2. The notice shall identify the affected source; the name and address of the permittee; the name and address of the Department; the activities involved in the permit action; the emission change involved in any permit modification; the name, address, and telephone number of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, and all other materials available to the Department that are relevant to the permit decision, except for information entitled to confidential treatment (the contents of any proposed or draft permit shall not be treated as confidential information); a brief description of the comment procedures; and the time and place of any public hearing that may be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled).

3. The Department shall provide at least 30 days for public and EPA comment and shall give notice of any public hearing at least 30 days in advance of the hearing. The Department shall keep a record of the commenters and also of the issues raised during the public participation process. The Department shall consider, and provide a written response to all written comments received by mail and

at the public hearing, within the time specified for the public notice, in making a final decision on the application.

4. A newly constructed or modified source issued a Federally enforceable final construction permit will not require an additional public comment period and/or hearing to obtain an operating permit, unless the source proposes a change in the original construction and/or operational plan, prior to commencing construction, which the Department determines would require an additional public comment period and/or hearing.

5. Any proposed new or modified stationary source required to undergo a public comment period shall not commence any construction until all public participation procedures of this section are completed, and the source has received an effective construction or operating permit from the Department.

6. Maintenance activities, repairs, and replacements which the Department determines to be routine for that source category shall not, by themselves, be required to undergo the public participation procedures of S.C. Regulation 61-62.1, Section II (N).

R. 61-62.5 - Air Pollution Control Standards, Standard No. 4 - Emissions From Process Industries

Regulation 61-62.5, Standard No. 4, Section IV - Portland Cement Manufacturing, shall be revised as follows:

SECTION IV - Reserved

R. 61-62.5 - Air Pollution Control Standards, Standard No. 5.2 - Control of Oxides of Nitrogen (NO_x)

Regulation 61-62.5, Standard No. 5.2, Section I (a)(1) shall be revised as follows:

SECTION I - APPLICABILITY

(a) ...

(1) Any new source that is constructed after June 25, 2004;

Regulation 61-62.5, Standard No. 5.2, Section I (b)(2) shall be revised as follows:

SECTION I - APPLICABILITY

(b) ...

(2) Emergency power generators as described below:

a. Generators of less than 150 KW rated capacity.

b. Generators of greater than 150 KW rated capacity designated for emergency use only and are operated a total of 500 hours per year or less for testing and maintenance and have a method to record the actual hours of use such as an hour meter.

Regulation 61-62.5, Standard No. 5.2, Section I (b)(4) shall be revised as follows:

SECTION I - APPLICABILITY

(b) ...

(4) Any device functioning solely as a combustion control device. Waste heat recovery from these combustion control devices shall not be considered primary grounds for exclusion from this exemption.

Regulation 61-62.5, Standard No. 5.2, Section III - Table 1 regarding "Fuel Combustion Sources not Otherwise Specified," shall be revised as follows:

SECTION III - Standard Requirements for New Sources

Table 1 - NO_x Control Standards

Source Type	Control Technology and/or Emission Limit
...	...
Fuel Combustion Sources Not Otherwise Specified (Examples include but are not limited to process heaters not meeting the definition of "boiler" in Regulation 61-62.1 Section I, dryers, furnaces, ovens, duct burners, incinerators, and smelters)	Low NO _x burners or equivalent technology capable of achieving 30% reduction from uncontrolled levels.